

ONE HUNDRED AND TWENTY-SIXTH LEGISLATURE  
FIRST REGULAR SESSION  
21st Legislative Day  
Thursday, March 14, 2013

The House met according to adjournment and was called to order by the Speaker.

Prayer by Spiritualist Betsy Sweet, Augusta Spiritualist Church.

National Anthem by Sydney Sewall, M.D., Hallowell.

Pledge of Allegiance.

Doctor of the day, Sydney Sewall, M.D., Hallowell.

The Journal of Tuesday, March 12, 2013 was read and approved.

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**SENATE PAPERS**

The following Joint Resolution: (S.P. 286)

**JOINT RESOLUTION RECOGNIZING MAINE ADULT  
EDUCATION**

WHEREAS, since 1871 Maine's public schools have supported the development of an adult education system that has grown and adapted to meet the needs of people throughout the State; and

WHEREAS, Maine's adult education programs are uniquely positioned to provide adults with the opportunity to learn where they live in all parts of Maine, with services in 85% of municipalities; and

WHEREAS, adult education programs are vital to the workforce and to development that is essential to Maine's economy and are working actively with partners in providing programs and courses specifically designed to help educate the workforce and prepare Maine adults for success, including:

1. Direct service to Maine adults who have experienced job loss or who need skill improvement to obtain employment;

2. Career preparation and courses in partnership with postsecondary and workforce institutions for Maine workers, plus certificate programs, including the implementation of the WorkReady program focusing on workforce development skills for success on the job;

3. Literacy and English as a second language programs and successful family literacy programs combining adult education and early childhood and parenting instruction;

4. High school completion and general educational development programs, with 2,491 credentials awarded in Maine in 2012;

5. Comprehensive college transition programs in place in 22 regions covering every county in Maine, which provide career guidance, orientation to college and refresher and prerequisite classes for adults seeking college success;

6. Community education, including a vibrant array of self-supporting courses contributing to the quality of life in Maine communities, offering the opportunity for Mainers of all ages to share talents and learn from others; and

7. A new emphasis on collaboration through the use of distance learning and video-conferencing, bringing new learning opportunities to rural communities; and

WHEREAS, the Maine Adult Education Association's web portal system of coordinated websites for local programs allowing statewide searching for courses and online registration and payment, has received 1.3 million visits and over 6.9 million page views in the past 5 years, with visits up 6 percent from 2011 to 2012, and Maine adult education programs are educating Maine people about the use of the Internet through the ConnectME program; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, pause to acknowledge and express our appreciation and strong support of Maine's adult education programs, which uniquely meet the needs of the communities they serve and provide a vital system of service to the population of the State as new challenges are faced in this period of economic uncertainty; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the Department of Education.

Came from the Senate, **READ** and **ADOPTED**.

**READ** and **ADOPTED** in concurrence.

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**Non-Concurrent Matter**

Bill "An Act To Make Bylaws and Minutes of Board Meetings of Publicly Funded Hospitals Subject to the Freedom of Access Act"

(H.P. 476) (L.D. 684)

**REFERRED** to the Committee on **HEALTH AND HUMAN SERVICES** in the House on February 26, 2013.

Came from the Senate **REFERRED** to the Committee on **JUDICIARY** in **NON-CONCURRENCE**.

On motion of Representative McCABE of Skowhegan, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

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**Non-Concurrent Matter**

Bill "An Act Regarding the Disclosure of Certain Records in Criminal Matters"

(H.P. 623) (L.D. 900)

**REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT** in the House on March 7, 2013.

Came from the Senate **REFERRED** to the Committee on **JUDICIARY** in **NON-CONCURRENCE**.

On motion of Representative McCABE of Skowhegan, **TABLED** pending **FURTHER CONSIDERATION** and later today assigned.

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The Following Communication: (H.P. 720)

**CITY OF SOUTH PORTLAND**

**PO BOX 9422**

**SOUTH PORTLAND, MAINE 04116-9422**

**IN CITY COUNCIL**

**RESOLVE #3-12/13**

RESOLVE, Expressing the Opposition of the City Council of the City of South Portland to Proposals to Shift the Burden of Funding State Government to the Property Tax and Property Tax Payer.

WHEREAS, the State Administration has submitted a proposed budget for the coming biennium that will dramatically shift the burden of funding state government to the property tax by eliminating or significantly modifying long-standing property tax relief programs; and

WHEREAS, the proposal to suspend municipal revenue sharing would result in a \$1.8 million revenue loss to the City of South Portland, representing 6.4% of the City's general fund operating budget and \$0.53 on the property tax rate; and

WHEREAS, the proposal to redirect the excise tax on tractor trailers will reduce the City's revenues by an additional \$424,540 or \$0.13 cents on the tax rate; and

WHEREAS, eliminating the homestead exemption in FY 15 for those under 65 will increase taxes for no longer qualifying residents by \$165 on the net median home value in that year if the City's tax rate remains unchanged, representing a tax increase of over 5.41% for most of those losing the exemption; and

WHEREAS, low and moderate income residents under the age of 65 who now qualify for the state property tax circuit breaker program will no longer qualify for it in the coming budget year; and

WHEREAS, starting in the second year of the biennium, the business equipment tax reimbursement program (BETR), under which businesses are fully reimbursed for property taxes paid on certain business equipment, will be eliminated with most qualifying property transferred to the business equipment tax exemption program (BETE). Under this program, the City will be reimbursed by the State for 60% of the taxes due, reducing City revenues by an estimated \$761,807 in FY 15, or \$.023 cents on the tax rate; and

WHEREAS, the elimination of the business equipment tax reimbursement (BETR) and the modification to the business equipment tax exemption (BETE) will have a significant impact on the City's commercial taxpayers, many of whom make-up the economic engine for the State of Maine, providing jobs and good paying salaries and benefits. The elimination of the BETR program will adversely impact the retail sector, a sector who will not qualify under the BETE program. Additionally, all businesses within the BETR program will experience an 18 month void in State reimbursement until those businesses qualify for BETE program funds; and

WHEREAS, if enacted, these changes will reduce City revenues by at least \$2,034,460 in FY 14 and \$2,796,267 in FY 15, excluding certain impacts on the school budget; and

WHEREAS, to replace these revenues through property taxation, the City's tax rate would have to increase by approximately \$0.60 in FY 14 and an additional \$0.23 in FY 15 before considering any other expenditure increases that may be required; and

WHEREAS, alternatively, reducing expenditures by this amount would require eliminating general fund expenditures and dramatically reducing community services and staffing over and above the reductions that have been implemented since 2007; and

WHEREAS, further staffing and expenditure reductions of this magnitude would undermine the City's ability to provide local public services; and

WHEREAS, even a balance between tax increases and spending cuts would result in much higher property taxes in return for services that would no longer meet resident expectations or needs.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF SOUTH PORTLAND, that the City Council hereby expresses its strong opposition to provisions included in the recently proposed state budget that would significantly shift the burden of funding state government to the property tax and property taxpayer. These proposals will dramatically increase property taxes in South Portland, taxes which often are unrelated to the ability of property owners to pay, and will require spending reductions which will call into question our ability to protect the health and welfare of our community and provide our residents with government services.

BE IT FURTHER RESOLVED, that the City Clerk is directed to provide copies of this RESOLVE to the members of the Legislature representing the City of South Portland, members of the Appropriations and Taxation Committees, the Governor, the

Speaker of the House, the President of the Senate and the Legislative leadership.

Fiscal Note: Less than \$1,000

Dated: February 4, 2013

A TRUE COPY ATTEST:

S/Karen L. Morrill

Assistant City Clerk, City of South Portland, Maine

March 12, 2013

**READ and REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS** and the Committee on **TAXATION**.

Sent for concurrence.

The Following Communication: (H.P. 733)

**TOWN OF LIVERMORE FALLS**

**2 MAIN STREET**

**LIVERMORE FALLS, MAINE 04254**

We, the undersigned Officials of the Town of Livermore Falls, on March 11, 2013, the following resolution for our 2013/2014 Budget Year was signed.

WHEREAS, the Governor's unprecedented biennial budget places towns in an untenable fiscal position; and

WHEREAS, the proposal includes the elimination of \$283 million in municipal revenue sharing, falls \$200 million short of funding local schools at the 55% level passed in referendum; would eliminate the Homestead Exemption for anyone under the age of 65; would eliminate the "Circuit Breaker" property tax and rent revenue from towns; and would fail to reimburse towns for the 50% of the costs for the Business Equipment Tax Exemption Program; and

WHEREAS, the Governor's proposal also contains cuts to health and human services, clean election, the wage benefits of public workers, and other initiatives necessary for strong communities and who's under-funding continues to shift costs to towns; be it **RESOLVED**, the Officials of the Town of Livermore Falls have called upon the Maine Legislature to reject these proposals, identify less harmful cost savings, and raise revenue in an equitable fashion in order to avoid a regressive tax shift to municipalities.

S/William Demaray, Chair, Livermore Falls

S/James Collins, Selectmen, Livermore Falls

S/Louise Chabot, Selectmen, Livermore Falls

S/Jeffrey Bryant, Selectmen, Livermore Falls

S/Kenneth Pelletier, Selectmen, Livermore Falls

S/Kristal Flagg, Town Manager, Livermore Falls

**READ and REFERRED** to the Committee on **APPROPRIATIONS AND FINANCIAL AFFAIRS**.

Sent for concurrence.

The Following Communication: (H.C. 104)

**STATE OF MAINE**

**OFFICE OF THE GOVERNOR**

**1 STATE HOUSE STATION**

**AUGUSTA, MAINE 04333-0001**

March 13, 2013

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

This is to inform you that, pursuant to Title 3, MRSA, §154, I am withdrawing my nomination of Honorable Jonathan B. McKane of

Newcastle for appointment to the Board of Trustees of Dirigo Health.

Mr. McKane withdrew his name from consideration during the review of his nomination before the Joint Standing Committee on Insurance and Financial Services.

Thank you for your assistance in this matter.

Sincerely,

S/Paul R. LePage

Governor

**READ and ORDERED PLACED ON FILE.**

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The Following Communication: (H.C. 103)

**STATE OF MAINE  
CLERK'S OFFICE  
2 STATE HOUSE STATION  
AUGUSTA, MAINE 04333-0002**

March 14, 2013

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

Pursuant to Joint Rule 310, the Committee on Veterans and Legal Affairs has approved the request by the sponsor, Senator Boyle of Cumberland, to report the following "Leave to Withdraw":

L.D. 635      Resolve, Authorizing the Estate of Mitchell A. Kessler To Bring Suit against the Department of Health and Human Services

Sincerely,

S/Millicent M. MacFarland

Clerk of the House

**READ and with accompanying papers ORDERED PLACED ON FILE.**

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The Following Communication: (S.C. 146)

**MAINE SENATE  
126TH LEGISLATURE  
OFFICE OF THE SECRETARY**

March 12, 2013

Honorable Mark W. Eves

Speaker of the House

2 State House Station

Augusta, Maine 04333

Dear Speaker Eves:

In accordance with 3 M.R.S.A. §158 and Joint Rule 506 of the 126th Maine Legislature, please be advised that the Senate today confirmed the following nominations:

Upon the recommendation of the Committee on Education and Cultural Affairs, the nomination of Honorable Nichi S. Farnham of Bangor for appointment to the State Board of Education.

Upon the recommendation of the Committee on Agriculture, Conservation and Forestry, the nomination of James P. Norris of Winthrop for appointment to the Land for Maine's Future Board.

Sincerely,

S/Darek M. Grant

Secretary of the Senate

**READ and ORDERED PLACED ON FILE.**

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**PETITIONS, BILLS AND RESOLVES REQUIRING  
REFERENCE**

The following Bills and Resolves were received, and upon the recommendation of the Committee on Reference of Bills were

**REFERRED** to the following Committees, ordered printed and sent for concurrence:

**AGRICULTURE, CONSERVATION AND FORESTRY**

Bill "An Act Concerning Fertilizer and Lime Products" (EMERGENCY)

(H.P. 707) (L.D. 1009)

Sponsored by Representative CRAY of Palmyra.

Cosponsored by Senator SHERMAN of Aroostook and Representatives: BLACK of Wilton, DILL of Old Town, GIFFORD of Lincoln, TIMBERLAKE of Turner.

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**APPROPRIATIONS AND FINANCIAL AFFAIRS**

Bill "An Act To Authorize a General Fund Bond Issue To Ensure Clean Water"

(H.P. 708) (L.D. 1010)

Sponsored by Representative CHIPMAN of Portland.

Cosponsored by Representatives: CAREY of Lewiston, FREY of Bangor, ROCHELO of Biddeford, ROTUNDO of Lewiston, SANBORN of Gorham, Senators: CAIN of Penobscot, HILL of York, YOUNGBLOOD of Penobscot.

Bill "An Act To Authorize a General Fund Bond Issue To Upgrade Facilities and Purchase Classroom Equipment for Maine's Seven Community Colleges"

(H.P. 709) (L.D. 1011)

Sponsored by Representative FREDETTE of Newport.

Cosponsored by Senator LANGLEY of Hancock and Representatives: CHASE of Wells, KESCHL of Belgrade, McCABE of Skowhegan, POULIOT of Augusta, Senators: CAIN of Penobscot, CUSHING of Penobscot, KATZ of Kennebec.

Bill "An Act To Authorize a General Fund Bond Issue and To Assist in the Creation of Jobs through Regional Economic Development"

(H.P. 734) (L.D. 1043)

Sponsored by Representative BERRY of Bowdoinham.

Cosponsored by Senator CUSHING of Penobscot and Representatives: FREY of Bangor, NEWENDYKE of Litchfield, ROTUNDO of Lewiston, Senators: CAIN of Penobscot, GOODALL of Sagadahoc, HILL of York, LANGLEY of Hancock, WOODBURY of Cumberland.

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**CRIMINAL JUSTICE AND PUBLIC SAFETY**

Bill "An Act To Improve Training Requirements for Obtaining a Concealed Handgun Permit"

(H.P. 721) (L.D. 1022)

Sponsored by Representative JOHNSON of Greenville.

Cosponsored by Representatives: CROCKETT of Bethel, McCABE of Skowhegan.

Bill "An Act To Amend the Laws Governing Prosecution of Individuals Possessing a Controlled Substance under Certain Circumstances"

(H.P. 735) (L.D. 1044)

Sponsored by Representative DORNEY of Norridgewock.

Cosponsored by Representatives: GRAHAM of North Yarmouth, PRINGLE of Windham, SANBORN of Gorham, Senator: GRATWICK of Penobscot.

Bill "An Act To Establish the Forensic Advisory Committee"

(H.P. 736) (L.D. 1045)

Sponsored by Representative KORNFIELD of Bangor.

Cosponsored by Representatives: COOPER of Yarmouth, DILL of Old Town, GOODE of Bangor, MORRISON of South Portland, PRIEST of Brunswick, PRINGLE of Windham, SCHNECK of Bangor, VILLA of Harrison.

### **EDUCATION AND CULTURAL AFFAIRS**

Bill "An Act To Provide an Improved Process for Voter Approval of Withdrawal from a Regional School Unit" (EMERGENCY)

(H.P. 722) (L.D. 1027)

Sponsored by Representative PARRY of Arundel.

Cosponsored by Senator LANGLEY of Hancock and Representatives: CHENETTE of Saco, MacDONALD of Boothbay, McCLELLAN of Raymond, POULIOT of Augusta, Senators: MILLETT of Cumberland, VALENTINO of York.

Bill "An Act To Amend the Social Work Education Loan Repayment Program"

(H.P. 731) (L.D. 1036)

Sponsored by Representative NELSON of Falmouth.

Cosponsored by Senator CRAVEN of Androscoggin and Representatives: FARNSWORTH of Portland, MAKER of Calais, PRINGLE of Windham, SANBORN of Gorham, STUCKEY of Portland, Senators: President ALFOND of Cumberland, HASKELL of Cumberland.

### **ENERGY, UTILITIES AND TECHNOLOGY**

Bill "An Act Regarding Automated Calls"

(H.P. 710) (L.D. 1012)

Sponsored by Representative BEAULIEU of Auburn. (BY REQUEST)

Cosponsored by Representatives: DUNPHY of Embden, HARVELL of Farmington, HOBBS of Saco, LAJOIE of Lewiston, WEAVER of York, WERTS of Auburn, Senator: YOUNGBLOOD of Penobscot.

### **ENVIRONMENT AND NATURAL RESOURCES**

Resolve, Authorizing a Visual Impact Assessment of Roxbury Pond and Webb Lake

(H.P. 723) (L.D. 1028)

Sponsored by Representative BRIGGS of Mexico. (BY REQUEST)

Cosponsored by Senator PATRICK of Oxford and Representatives: CROCKETT of Bethel, DUNPHY of Embden, HARVELL of Farmington.

### **HEALTH AND HUMAN SERVICES**

Bill "An Act To Create the Children's Wireless Protection Act"

(H.P. 711) (L.D. 1013)

Sponsored by Representative BOLAND of Sanford.

Cosponsored by Senator COLLINS of York and Representatives: EVANGELOS of Friendship, HAYES of Buckfield, JONES of Freedom, KUSIAK of Fairfield, NADEAU of Fort Kent, NOON of Sanford.

Bill "An Act To Improve Law Enforcement Access to Prescription Monitoring Program Data"

(H.P. 712) (L.D. 1014)

Sponsored by Representative MARKS of Pittston.

Cosponsored by Senator LACHOWICZ of Kennebec and Representatives: CASSIDY of Lubec, GATTINE of Westbrook, Senator: BURNS of Washington.

Submitted by the Department of the Attorney General pursuant to Joint Rule 204.

Resolve, Directing the Department of Health and Human Services To Amend Its Rules Pertaining to a Request for Mental Health Records

(H.P. 724) (L.D. 1029)

Sponsored by Representative SIROCKI of Scarborough. (BY REQUEST)

Cosponsored by Senator HAMPER of Oxford.

Bill "An Act To Require That Electronic Benefits Transfer System Cash Benefits Are Used for the Purpose for Which the Benefits Are Provided"

(H.P. 725) (L.D. 1030)

Sponsored by Representative PARRY of Arundel.

Cosponsored by Senator HAMPER of Oxford and Representatives: CHASE of Wells, COTTA of China, LIBBY of Waterboro, MALABY of Hancock, McELWEE of Caribou, SANDERSON of Chelsea, SIROCKI of Scarborough, Senator: MASON of Androscoggin.

Bill "An Act To Require a Mandatory Peer Review Process for the Restraint and Seclusion of Children in a Hospital or Children's Home"

(H.P. 726) (L.D. 1031)

Sponsored by Representative SIROCKI of Scarborough.

Cosponsored by Representatives: BENNETT of Kennebunk, MAKER of Calais, REED of Carmel.

Resolve, To Direct the Department of Health and Human Services To Convene a Task Force To Study the Incidence of Cancer in the State

(H.P. 727) (L.D. 1032)

Sponsored by Representative McGOWAN of York.

Cosponsored by Representatives: BEAVERS of South Berwick, DORNEY of Norridgewock, MOONEN of Portland, NOON of Sanford, SHORT of Pittsfield, TIPPING-SPITZ of Orono.

Resolve, To Provide a Better Transition for Foster Children to Independent Adulthood

(H.P. 738) (L.D. 1047)

Sponsored by Representative BERRY of Bowdoinham.

Cosponsored by Senator KATZ of Kennebec and Representatives: Speaker EVES of North Berwick, FARNSWORTH of Portland, GATTINE of Westbrook, GRAHAM of North Yarmouth, McCABE of Skowhegan, SANBORN of Gorham, TURNER of Burlington, Senator: CRAVEN of Androscoggin.

### **INLAND FISHERIES AND WILDLIFE**

Bill "An Act To Expand Crossbow Hunting"

(H.P. 713) (L.D. 1015)

Sponsored by Representative WOOD of Sabattus.

Cosponsored by Representative: SHORT of Pittsfield.

Bill "An Act Regarding the Buying and Selling of Animal Parts"

(H.P. 714) (L.D. 1016)

Sponsored by Representative DAVIS of Sangerville. (BY REQUEST)

### **INSURANCE AND FINANCIAL SERVICES**

Bill "An Act Regarding Preneed Funeral Insurance"

(H.P. 716) (L.D. 1018)

Sponsored by Representative BECK of Waterville.

Cosponsored by Senator HASKELL of Cumberland and Representatives: CRAFTS of Lisbon, DILL of Old Town, Senators: President ALFOND of Cumberland, CUSHING of Penobscot.

Bill "An Act To Provide Access to Affordable Health Care for All Maine Residents by 2020"

(H.P. 732) (L.D. 1037)

Sponsored by Representative McGOWAN of York.

Cosponsored by Representatives: BEAVERS of South Berwick, GRAHAM of North Yarmouth, HICKMAN of Winthrop, POWERS of Naples, RYKERSON of Kittery, SAUCIER of Presque Isle, Senator: GRATWICK of Penobscot.

Resolve, To Study the Effect of Insufficient Automobile Insurance Coverage

(H.P. 739) (L.D. 1048)

Sponsored by Representative BERRY of Bowdoinham.

Cosponsored by Representatives: BEAUDOIN of Biddeford, COOPER of Yarmouth, MORRISON of South Portland, Senator: GRATWICK of Penobscot.

Bill "An Act To Establish an Insurance Exchange"

(H.P. 740) (L.D. 1049)

Sponsored by Representative CAMPBELL of Newfield.

Cosponsored by Senator CRAVEN of Androscoggin and Representatives: CAREY of Lewiston, DORNEY of Norridgewock, MASTRACCIO of Sanford, MORRISON of South Portland, Senators: HILL of York, SAVIELLO of Franklin, TUTTLE of York, WOODBURY of Cumberland.

Bill "An Act Relating to Employee Leasing Company Registration"

(H.P. 715) (L.D. 1017)

Sponsored by Representative VOLK of Scarborough.

Cosponsored by Senator: CLEVELAND of Androscoggin.

Submitted by the Department of Professional and Financial Regulation pursuant to Joint Rule 204.

Committee on **INSURANCE AND FINANCIAL SERVICES** suggested.

On motion of Representative COOPER of Yarmouth, **TABLED** pending **REFERENCE** and later today assigned.

#### JUDICIARY

Bill "An Act To Protect the State's Property Rights in Maine State Museum Research" (EMERGENCY)

(H.P. 717) (L.D. 1019)

Sponsored by Representative KESCHL of Belgrade.

Cosponsored by Senator KATZ of Kennebec and Representatives: COTTA of China, HICKMAN of Winthrop, LONGSTAFF of Waterville, MAKER of Calais, NADEAU of Winslow, NUTTING of Oakland, RUSSELL of Portland, TURNER of Burlington.

Bill "An Act To Increase Child Support Collections by Requiring the Interception of Certain Gambling Winnings"

(H.P. 729) (L.D. 1034)

Sponsored by Representative GUERIN of Glenburn.

Cosponsored by Senator HAMPER of Oxford and Representatives: FARNSWORTH of Portland, SANDERSON of Chelsea, SIROCKI of Scarborough, STUCKEY of Portland.

Submitted by the Department of Health and Human Services pursuant to Joint Rule 204.

Bill "An Act To Provide Immunity for Prescribing and Dispensing Intranasal Naloxone Kits"

(H.P. 737) (L.D. 1046)

Sponsored by Representative DORNEY of Norridgewock.

Cosponsored by Representatives: GRAHAM of North Yarmouth, PRINGLE of Windham, SANBORN of Gorham, Senator: GRATWICK of Penobscot.

#### LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT

Bill "An Act To Help the Unemployed Find Work"

(H.P. 728) (L.D. 1033)

Sponsored by Representative PARRY of Arundel.

Cosponsored by Senator CUSHING of Penobscot and Representatives: LOCKMAN of Amherst, SANDERSON of Chelsea, SIROCKI of Scarborough, VOLK of Scarborough, Senator: MASON of Androscoggin.

Bill "An Act To Report Certain Information in Response to Growing Financial Inequality"

(H.P. 730) (L.D. 1035)

Sponsored by Representative MCGOWAN of York.

Cosponsored by Representatives: BEAVERS of South Berwick, HICKMAN of Winthrop, POWERS of Naples, RYKERSON of Kittery, SAUCIER of Presque Isle.

#### MARINE RESOURCES

Bill "An Act Regarding the Swans Island Lobster Fishing Zone" (EMERGENCY)

(H.P. 718) (L.D. 1020)

Sponsored by Representative KUMIEGA of Deer Isle.

#### STATE AND LOCAL GOVERNMENT

Bill "An Act To Establish as a Public Record the Performance Evaluation of a Municipal Employee"

(H.P. 719) (L.D. 1021)

Sponsored by Representative RYKERSON of Kittery.

Cosponsored by Representatives: BROOKS of Winterport, EVANGELOS of Friendship, MCGOWAN of York.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

#### ORDERS

On motion of Representative RANKIN of Hiram, the following House Order: (H.O. 15)

ORDERED, that Representative Stephen J. Wood of Sabattus be excused February 28 for personal reasons.

**READ and PASSED.**

#### REPORTS OF COMMITTEE

##### Divided Report

Majority Report of the Committee on **TRANSPORTATION** reporting **Ought to Pass** on Bill "An Act To Increase Municipal Agent Fees for Licensing and Registration of Motor Vehicles"

(H.P. 280) (L.D. 405)

Signed:

Senators:

MAZUREK of Knox  
VALENTINO of York

Representatives:

THERIAULT of Madawaska  
GILLWAY of Searsport  
McLEAN of Gorham  
PEOPLES of Westbrook  
POWERS of Naples  
VEROW of Brewer  
WERTS of Auburn

Minority Report of the same Committee reporting **Ought Not to Pass** on same Bill.

Signed:  
 Senator:  
     COLLINS of York

Representatives:  
     NUTTING of Oakland  
     PARRY of Arundel  
     TURNER of Burlington

# **READ.**

On motion of Representative THERIAULT of Madawaska, the Majority **Ought to Pass** Report was **ACCEPTED**.

On motion of Representative WILLETTE of Mapleton, the House **RECONSIDERED** its action whereby the Majority **Ought to Pass** Report was **ACCEPTED**.

The same Representative **REQUESTED** a roll call on the motion to **ACCEPT** the Majority **Ought to Pass** Report.

More than one-fifth of the members present expressed a desire for a roll call which was ordered.

The SPEAKER: A roll call has been ordered. The pending question before the House is Acceptance of the Majority Ought to Pass Report. All those in favor will vote yes, those opposed will vote no.

## **ROLL CALL NO. 7**

YEA - Beaudoin, Beavers, Beck, Briggs, Brooks, Campbell J, Casavant, Cassidy, Chapman, Cooper, Daughtry, DeChant, Devin, Dickerson, Dill, Dion, Duprey, Evangelos, Farnsworth, Fowle, Frey, Gattine, Gideon, Gilbert, Gillway, Goode, Graham, Grant, Hamann, Harlow, Hayes, Herbig, Hickman, Hobbins, Hubbell, Jones, Jorgensen, Kent, Keschl, Kornfield, Kruger, Kusiak, Lajoie, Libby N, Longstaff, Luchini, MacDonald W, Marks, Mason, Mastraccio, McCabe, McGowan, McLean, Monaghan-Derrig, Moonen, Moriarty, Morrison, Nelson, Noon, Peoples, Plante, Powers, Priest, Pringle, Rankin, Rochelo, Rotundo, Russell, Rykerson, Sanborn, Saucier, Saxton, Schneck, Short, Stanley, Stuckey, Theriault, Tipping-Spitz, Verow, Villa, Welsh, Werts, Wood, Mr. Speaker.

NAY - Beaulieu, Bennett, Black, Campbell R, Chase, Chenette, Cotta, Crafts, Cray, Crockett, Davis, Doak, Dorney, Dunphy, Espling, Fitzpatrick, Guerin, Jackson, Johnson D, Johnson P, Kaenrath, Kinney, Knight, Libby A, Lockman, Long, MacDonald S, Maker, Malaby, Marean, McElwee, Nadeau A, Nadeau C, Newendyke, Nutting, Parry, Pease, Peavey Haskell, Pouliot, Reed, Sanderson, Sirocki, Timberlake, Turner, Tyler, Volk, Wallace, Weaver, Willette, Wilson, Winchenbach, Winsor.

ABSENT - Ayotte, Berry, Boland, Bolduc, Carey, Chipman, Clark, Fredette, Gifford, Harvell, Kumiega, McClellan, Peterson, Shaw, Treat.

Yes, 84; No, 52; Absent, 15; Excused, 0.

84 having voted in the affirmative and 52 voted in the negative, with 15 being absent, and accordingly the Majority **Ought to Pass** Report was **ACCEPTED**.

The Bill was **READ ONCE** and was assigned for **SECOND READING** Tuesday, March 20, 2013.

## **CONSENT CALENDAR**

### **First Day**

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 15) (L.D. 23) Bill "An Act To Lower the Cost of Copies of Medical Records" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(S.P. 88) (L.D. 252) Bill "An Act Regarding Registration and Correction of Death Information on Death Certificates"

Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 197) (L.D. 288) Bill "An Act Concerning Brucellosis Vaccines for Cattle" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

(H.P. 230) (L.D. 321) Resolve, Directing the Probate and Trust Law Advisory Commission To Review Maine's Probate Code and the Uniform Probate Code Committee on **JUDICIARY** reporting **Ought to Pass**

(H.P. 235) (L.D. 325) Bill "An Act To Repeal Provisions of the Law That Apply or Refer to State Facilities for Persons with Intellectual Disabilities" Committee on **HEALTH AND HUMAN SERVICES** reporting **Ought to Pass**

(H.P. 6) (L.D. 4) Resolve, Regarding Legislative Review of Chapter 675: Infrastructure Surcharge and Capital Reserve Accounts, a Major Substantive Rule of the Public Utilities Commission (EMERGENCY) Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-7)**

(H.P. 73) (L.D. 91) Bill "An Act To Raise the School Construction Bond Cap" Committee on **EDUCATION AND CULTURAL AFFAIRS** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-5)**

(H.P. 234) (L.D. 324) Bill "An Act To Make Supplemental Allocations from the Highway Fund and Other Funds for the Expenditures of State Government Necessary to the Proper Operations of State Government for the Fiscal Year Ending June 30, 2013" (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (H-6)**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

## **CONSENT CALENDAR**

### **Second Day**

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the Second Day:

(S.P. 80) (L.D. 244) Bill "An Act To Amend the Student Membership Criteria of the State Board of Education" (EMERGENCY)

(S.P. 89) (L.D. 253) Bill "An Act Regarding Registration of Fetal Deaths"

(S.P. 115) (L.D. 282) Bill "An Act To Eliminate the Commercial Standard for Maine White-cedar Shingles"

(S.P. 116) (L.D. 283) Bill "An Act To Eliminate the Elm Tree Restoration Fund"

(H.P. 387) (L.D. 568) Resolve, To Name Bridge Number 2975 in Kenduskeag the Kenduskeag Veterans Bridge

(H.P. 18) (L.D. 14) Resolve, Directing the Department of Transportation To Name a Bridge between Kennebunk and Kennebunkport the Mathew Lanigan Bridge (EMERGENCY) (C. "A" H-3)

No objections having been noted at the end of the Second Legislative Day, the Senate Papers were **PASSED TO BE ENGROSSED** in concurrence and the House Papers were **PASSED TO BE ENGROSSED** or **PASSED TO BE ENGROSSED as Amended** and sent for concurrence.

The following items were taken up out of order by unanimous consent:

**UNFINISHED BUSINESS**

The following matters, in the consideration of which the House was engaged at the time of adjournment Tuesday, March 12, 2013, had preference in the Orders of the Day and continued with such preference until disposed of as provided by House Rule 502.

An Act To Extend the Hours for the Sale of Liquor on Sunday When St. Patrick's Day Is on a Sunday (EMERGENCY)

(H.P. 177) (L.D. 216)

TABLED - March 12, 2013 (Till Later Today) by Representative BERRY of Bowdoinham.

PENDING - **PASSAGE TO BE ENACTED.** (Roll Call Requested)

Fewer than one-fifth of the members present expressed a desire for a roll call which was not ordered.

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 93 voted in favor of the same and 47 against, and accordingly the Bill **FAILED PASSAGE TO BE ENACTED.**

Subsequently, on motion of Representative HICKMAN of Winthrop, the House **RECONSIDERED** its action whereby the Bill **FAILED PASSAGE TO BE ENACTED.**

This being an emergency measure, a two-thirds vote of all the members elected to the House being necessary, a total was taken. 105 voted in favor of the same and 32 against, and accordingly the Bill was **PASSAGE TO BE ENACTED**, signed by the Speaker and sent to the Senate.

By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH.**

Bill "An Act To Require Notice to and Input from Municipalities in Which Certain Group Homes Are Located"

(H.P. 556) (L.D. 805)

(Committee on **HEALTH AND HUMAN SERVICES** suggested)

TABLED - March 5, 2013 (Till Later Today) by Representative FARNSWORTH of Portland.

PENDING - **REFERENCE.**

Subsequently, on motion of Representative FARNSWORTH of Portland, the Bill was **REFERRED** to the Committee on **STATE AND LOCAL GOVERNMENT**, ordered printed and sent for concurrence.

Bill "An Act To Increase Access to Higher Education"

(H.P. 676) (L.D. 962)

(Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested)

TABLED - March 12, 2013 (Till Later Today) by Representative MacDONALD of Boothbay.

PENDING - **REFERENCE.**

Subsequently, the Bill was **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, ordered printed and sent for concurrence.

Bill "An Act To Expand Access to Early Postsecondary Education"

(H.P. 677) (L.D. 963)

(Committee on **EDUCATION AND CULTURAL AFFAIRS** suggested)

TABLED - March 12, 2013 (Till Later Today) by Representative MacDONALD of Boothbay.

PENDING - **REFERENCE.**

Subsequently, the Bill was **REFERRED** to the Committee on **EDUCATION AND CULTURAL AFFAIRS**, ordered printed and sent for concurrence.

Expression of Legislative Sentiment Recognizing the Town of South Berwick

(SLS 102)

- In Senate, **READ** and **PASSED.**

TABLED - March 12, 2013 (Till Later Today) by Representative BEAVERS of South Berwick.

PENDING - **PASSAGE.**

The SPEAKER: The Chair recognizes the Representative from South Berwick, Representative Beavers.

Representative **BEAVERS:** Thank you, Mr. Speaker. Mr. Speaker, Ladies and Gentlemen of the House. I was so excited and proud to learn that my town topped Bloomberg Businessweek's annual ranking for Maine as one of the best family-friendly towns in the US to live and raise your children.

Over 3,200 communities with populations between 5,000 and 50,000 were evaluated to determine the 50 state winners. They gathered statistics on school performance, as was said in the Sentiment so I won't repeat it. Some of the sources included Greatschools.org, the FBI, the US Census Bureau and the US Bureau of Labor Statistics.

One resident calls South Berwick "the modern-day Mayberry RFD." I've actually heard other people call their towns that. He says, "Most of us know the downtown Main Street shop owners by first name – the pharmacist, the grocer, the bar and restaurant folks – a family finds comfort in knowing the members of their community." I couldn't agree more.

We have fabulous public and private schools, including Berwick Academy, the oldest school in the state. We have our own little ski hill called Powderhouse Hill, a Strawberry Festival that can't be beat, although I'm sure some of you might argue that, an amazing new library in a renovated church, the Old Berwick Historical Society's Counting House Museum and many historical homes including the Sarah Orne Jewitt and Hamilton houses – the Hamilton House is a beautiful garden setting on the Piscataqua River.

Then there are the super dining options, hiking, biking, kayaking plus a State park – Vaughan Woods – and a town forest. We are not far from the beach, the Kittery Outlets and the New Hampshire port city of Portsmouth.

Finally, I want you to know that the musical, dramatic, visual and literary artists of all ages continue to amaze me all year round. We truly have people with every imaginable talent and they share their talents, which is why I appreciate living there. Thank you.

Subsequently, the Sentiment was **PASSED** and sent for concurrence.

## REPORTS OF COMMITTEE

### Change of Committee

Representative THERIAULT from the Committee on **TRANSPORTATION** on Bill "An Act To Provide Vehicle Owners and Repair Facilities Access to Vehicle Diagnostic and Repair Information and Equipment"

(H.P. 539) (L.D. 788)

Reporting that it be **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

Report was **READ** and **ACCEPTED** and the Bill was **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT**.

Sent for concurrence.

## SENATE PAPERS

The following Joint Order: (S.P. 358)

ORDERED, the House concurring, that when the House and Senate adjourn, they do so until Tuesday, March 19, 2013 at 10:00 in the morning.

Came from the Senate, **READ** and **PASSED**.

**READ** and **PASSED** in concurrence.

Bill "An Act To Amend the Charter of the Ashland Water and Sewer District"

(S.P. 351) (L.D. 1026)

Came from the Senate, **REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** and ordered printed.

**REFERRED** to the Committee on **ENERGY, UTILITIES AND TECHNOLOGY** in concurrence.

Bill "An Act To Amend the Law Pertaining to Staff in the Office of the Attorney General"

(S.P. 350) (L.D. 1025)

Bill "An Act To Make the State's Uniform Commercial Code Compatible with the Federal Electronic Fund Transfer Act" (EMERGENCY)

(S.P. 352) (L.D. 1038)

Bill "An Act To Promote Regulatory Fairness"

(S.P. 353) (L.D. 1039)

Bill "An Act To Prohibit the Placement of Cameras and Electronic Surveillance Equipment on Private Property without the Written Permission of the Landowner"

(S.P. 354) (L.D. 1040)

Came from the Senate, **REFERRED** to the Committee on **JUDICIARY** and ordered printed.

**REFERRED** to the Committee on **JUDICIARY** in concurrence.

Bill "An Act To Modify the Mandatory Enforcement of the Maine Uniform Building and Energy Code for a Municipality without a Building Code"

(S.P. 355) (L.D. 1041)

Came from the Senate, **REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** and ordered printed.

**REFERRED** to the Committee on **LABOR, COMMERCE, RESEARCH AND ECONOMIC DEVELOPMENT** in concurrence.

Bill "An Act To Increase the Opportunities for Taste-testing Events for On-premises Liquor Licensees"

(S.P. 359) (L.D. 1042)

Came from the Senate, **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed.

**REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** in concurrence.

## Pursuant to Statute

### Commission on Governmental Ethics and Election Practices

Report of the **Commission on Governmental Ethics and Election Practices** pursuant to the Maine Revised Statutes, Title 1, section 1009 asks leave to report that the accompanying Bill "An Act To Provide Transparency in Fund-raising by and Lobbying of a Governor-elect"

(S.P. 347) (L.D. 1023)

Be **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and printed pursuant to Joint Rule 218.

Came from the Senate, Report **READ** and **ACCEPTED** and the Bill **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** and ordered printed pursuant to Joint Rule 218.

Report was **READ** and **ACCEPTED** and the Bill was **REFERRED** to the Committee on **VETERANS AND LEGAL AFFAIRS** in concurrence.

The following Joint Resolution: (S.P. 356)

### JOINT RESOLUTION RECOGNIZING MULTIPLE SCLEROSIS AWARENESS WEEK, MARCH 11 TO MARCH 17, 2013

WHEREAS, multiple sclerosis is a chronic, often disabling disease of the central nervous system, for which there is no cure at present, that typically is diagnosed in people between 20 years and 50 years of age and affects women 3 times more often than it does men; and

WHEREAS, multiple sclerosis interrupts the signal between the brain and the body; and

WHEREAS, multiple sclerosis affects 400,000 people nationwide, including 8,000 to 10,000 children and teens; over 3,000 individuals in Maine have the disease, nearly one in 400 citizens, which is one of the highest per capita rates in the nation; and

WHEREAS, the National Multiple Sclerosis Society is a driving force of multiple sclerosis research, pursuing prevention, treatment and cure, and the Greater New England Chapter of the National Multiple Sclerosis Society educates, supports and advocates for people with multiple sclerosis and their families to help them maintain the highest possible quality of life; and

WHEREAS, the Greater New England Chapter of the National Multiple Sclerosis Society encourages individuals with multiple sclerosis and their families, health professionals and other concerned citizens to join the movement to advocate for policy change in the priority areas of high-quality health care, health care coverage, long-term care and disability rights; now, therefore, be it

RESOLVED: That We, the Members of the One Hundred and Twenty-sixth Legislature now assembled in the First Regular Session, on behalf of the people we represent, take this opportunity to declare that the week of March 11 to March 17, 2013 is designated as Multiple Sclerosis Awareness Week; and be it further

RESOLVED: That a suitable copy of this resolution, duly authenticated by the Secretary of State, be transmitted to the



Greater New England Chapter of the National Multiple Sclerosis Society.

Came from the Senate, **READ** and **ADOPTED**.

**READ** and **ADOPTED** in concurrence.

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### **CONSENT CALENDAR**

#### **First Day**

In accordance with House Rule 519, the following items appeared on the Consent Calendar for the First Day:

(S.P. 119) (L.D. 286) Bill "An Act To Reduce Reporting Responsibilities of the Department of Agriculture, Conservation and Forestry" Committee on **AGRICULTURE, CONSERVATION AND FORESTRY** reporting **Ought to Pass**

(S.P. 133) (L.D. 353) Bill "An Act To Allow Young Adult Offenders To Be Confined in Juvenile Correctional Facilities and To Comply with Federal Law Requirements" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**

(S.P. 134) (L.D. 354) Bill "An Act To Amend the County Jail Inspection Requirement for Nationally Accredited Facilities" Committee on **CRIMINAL JUSTICE AND PUBLIC SAFETY** reporting **Ought to Pass**

(S.P. 151) (L.D. 371) Resolve, Regarding Revenue from the World Acadian Congress Commemorative Registration Plate (EMERGENCY) Committee on **TRANSPORTATION** reporting **Ought to Pass**

(S.P. 13) (L.D. 21) Bill "An Act To Amend the Motor Vehicle Laws Governing Requisite Tire Size" Committee on **TRANSPORTATION** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-4)**

(S.P. 32) (L.D. 81) Bill "An Act To Amend the Charter of the Ogunquit Sewer District" Committee on **ENERGY, UTILITIES AND TECHNOLOGY** reporting **Ought to Pass as Amended by Committee Amendment "A" (S-5)**

(H.P. 148) (L.D. 187) Bill "An Act To Permit Temporary Operation of a Motor Vehicle with an Expired Operator's License Solely for the Purpose of Traveling Home or Renewing the License" Committee on **TRANSPORTATION** reporting **Ought to Pass**

There being no objections, the above items were ordered to appear on the Consent Calendar tomorrow under the listing of Second Day.

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By unanimous consent, all matters having been acted upon were **ORDERED SENT FORTHWITH**.

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On motion of Representative HOBBS of Saco, the House adjourned at 11:27 a.m., until 10:00 a.m., Tuesday, March 19, 2013 pursuant to the Joint Order (S.P. 358).